

REMARKS

Claims 1-18 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-5, drawn to pattern forming apparatus, classified in class 118, subclass 300; and

Group II, claims 6-18, drawn to method for manufacturing a pattern formation apparatus, classified in class 29, subclass 890.1.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-5.**

Applicants have elected claims 1-5 for initial examination. It is also respectfully submitted that the Restriction Requirement is improper in view of the fact that no serious burden is presented to the Examiner to consider all of the claims in a single application.

As set forth in § 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application.

In order to be responsive to the Examiner's Restriction Requirement, claims 1-5 have been initially elected. The Examiner is respectfully requested to reconsider the Restriction Requirement and act on all of the claims of the application. If the Examiner does persist on the Restriction Requirement, Applicants reserve the right to file a Divisional application directed to the non-elected claims at a later date if they so desire.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet, Registration No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 31, 2005

Respectfully submitted,

By 

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